

ADJOURNMENT

On motion of Senator Brooks and by unanimous consent, the Senate at 3:56 o'clock p.m. adjourned until 11:30 o'clock a.m. Monday, August 25, 1986.

TENTH DAY

(Monday, August 25, 1986)

The Senate met at 11:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Jones, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire.

Absent: Howard.

Absent-excused: Lyon.

A quorum was announced present.

Senator Bill Sarpalius offered the invocation as follows:

Dear Father, thank You for this opportunity here for us to live in a free country and to serve the people of this State. Father, please watch over and guide us. Help us to be an example for You. We ask Your blessings on Ted Lyon and his family today on the loss of their loved one. In Your most precious name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, August 21, 1986, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Lyon was granted leave of absence for today on account of the death of his father on motion of Senator Brooks.

MESSAGE FROM THE HOUSE

House Chamber
August 25, 1986

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 3, Relating to the fee for personalized license plates.

H.B. 27, Relating to certain fees collected by the clerk of the supreme court, clerks of the courts of appeals, and district clerks and to the disposition of those fees.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 16

H.C.R. 19

REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

C.S.S.B. 25

Senator Brooks, Acting Chairman, submitted the following report for the Committee on State Affairs:

S.B. 26

C.S.S.B. 32

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 24 (Amended)

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 30

SENATE RESOLUTION 52

Senator Harris offered the following resolution:

WHEREAS, The State's fiscal crisis has one bright aspect; the current special session affords this chamber its first opportunity to pay tribute to our colleague, the Honorable Don Henderson, on the occasion of his birthday; and

WHEREAS, This distinguished Texan was born 37 years ago today in Houston, and this is the first time that the Legislature has been in session on his birthday during his almost four years in the Senate and 10 years in the House of Representatives; and

WHEREAS, During his decade in the House, he was Chairman of the Transportation Committee and earned the respect and admiration of fellow House Members for his significant contributions to the legislative process, but his House colleagues never adopted a resolution wishing him a happy birthday; and

WHEREAS, The Members of the Texas Senate are therefore delighted for this rare opportunity to acknowledge the birthday of their friend, Don Henderson, but may not be too delighted if this becomes a very common occurrence; now, therefore, be it

RESOLVED, That the Senate of the 69th Legislature, 2nd Called Session, join Senator Henderson's lovely wife, Marjorie, his son, Donald, and his many friends in Houston and throughout the State in proclaiming "Happy 37th Birthday, Don"; and, be it further

RESOLVED, That a copy of his first birthday resolution be prepared for him as an expression of esteem and good will from his fellow senators.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Truan was recognized and introduced Dr. Ronald Munson of Mathis, the Capitol Physician for the Day.

Dr. Munson, accompanied by his son, Paul, was welcomed by the Senate and they expressed their appreciation to him for his service.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 35, To Committee on Finance.

H.B. 40, To Committee on State Affairs.

H.B. 70, To Committee on Finance.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 33 by Traeger State Affairs
Relating to eligibility for a passenger train beverage permit.

S.B. 34 by Barrientos State Affairs
Relating to the creation of a shared work unemployment compensation program for state employees.

S.B. 35 by Montford Finance
Relating to the transfer of tax credits allowed on the sale of gasohol.

S.B. 36 by Montford Finance
Relating to appropriations from the state highway fund.

S.B. 37 by Montford Finance
Relating to the transfer of funds from the state highway fund to the general revenue fund.

S.B. 38 by Montford Finance
Relating to eliminating the transfer of funds from general revenue to the farm-to-market road fund.

S.B. 39 by Montford Finance
Relating to the disposition of funds received from the tax on the sale, rental, and use of motor vehicles.

S.B. 40 by Jones Finance
Relating to a reduction in the salary paid to state officers and employees.

S.B. 41 by Edwards, Sarpalius, Traeger State Affairs
Relating to primaries, other elections, political party conventions, the selection of delegates to national presidential nominating conventions, and procedures related to candidacy for public office.

S.C.R. 11 by Green Jurisprudence
Granting Mott Construction Corporation permission to sue the State of Texas and Texas Southern University.

S.C.R. 12 by Santiesteban Finance
Memorializing Congress to enact legislation which would restore the competitive balance between Texas business and out-of-state mail order firms.

S.C.R. 13 by McFarland Jurisprudence
Granting Del E. Webb Corporation permission to sue the State of Texas and the State Purchasing and General Services Commission.

CO-AUTHOR OF SENATE BILL 15

On motion of Senator Harris and by unanimous consent, Senator Uribe will be shown as Co-author of S.B. 15.

CO-AUTHOR OF SENATE BILL 25

On motion of Senator Farabee and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 25.

PROCLAMATION FROM THE GOVERNOR

The President laid before the Senate the following Proclamation from the Governor:

**P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS
41-2084 B**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article III, Section 40 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this Second Called Session of the 69th Legislature, now convened, the following:

Legislation relating to the purchase of electricity for state owned buildings located in the City of Austin, Travis County, Texas, such as that in H.B. 66.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this 22nd day of August, 1986, under the Seal of this State properly attested by the Secretary of State.

/s/Mark White
Governor of Texas

/s/Myra A. McDaniel
Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
August 21, 1986

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE, SECOND CALLED SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE DISTRICT ATTORNEY FOR THE FORTY-THIRD JUDICIAL DISTRICT, PARKER COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HER SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

This appointment to be effective August 25, 1986:

AMY ADAMS
1210 S. Rusk
Weatherford, Texas 76086

(Mrs. Adams is replacing The Honorable Mac Smith of Weatherford, Parker County, Texas, who resigned.)

Respectfully submitted,

/s/Mark White
Governor of Texas

SENATE BILL 31 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 31, Relating to the power of a savings and loan association to engage in business in another state.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 31 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 31** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent: Caperton, Howard.

Absent-excused: Lyon.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Caperton, Howard.

Absent-excused: Lyon.

SENATE BILL 13 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 13, Relating to a pilot program to reward state employees for efforts that improve state government productivity.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 13 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent: Howard.

Absent-excused: Lyon.

The bill was read third time and was passed viva voce vote.

**SENATE CONCURRENT RESOLUTION 3
ON SECOND READING**

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S.C.R. 3, Granting Medical Computer Systems, Inc., permission to sue the State of Texas and the University of Texas.

The resolution was read second time and was adopted viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 15 ON SECOND READING

Senator Harris moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 15, Relating to the regulation and licensing of pari-mutuel wagering on greyhound racing and horse racing; providing penalties.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Barrientos, Brooks, Caperton, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Blake, Brown, Edwards, Farabee, Green, Jones, Leedom, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 15** as follows:

(1) On page 17, line 24, insert a period after the word "enclosure" and strike the remainder of the sentence; and

(2) On page 17, line 43, insert "presented by the association" after the word "race."

The amendment was read and was adopted viva voce vote.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 15**, Page 1, line 50, by inserting the words "sanctioned for racing by the International Arabian Horse Association, Denver, Colorado" after the word "horses".

The amendment was read and was adopted viva voce vote.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 3

Amend **C.S.S.B. 15** as follows:

Section 6.08C, page 12, line 57 thru 62. Read as follows:

(c) Ten percent of the breakage is to be paid to the appropriate state horse breed registry for reimbursement of administrative costs incurred in making

distributions under this section. Ten percent of the breakage is to be retained by the Association to be used in stakes races for accredited Texas Bred races. The commission shall pay out the remaining 80 percent of the breakage as follows:

The amendment was read and was adopted viva voce vote.

Senator Traeger offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 15, Section 6.09, page 13, by striking lines 38 through 41 and amend to read as follows:

“(d) Fifty percent of the breakage is to be paid to the appropriate state Greyhound breeding registry, and they may withhold five percent (5%) of the breakage for reimbursement of administrative costs incurred in making distributions under this section. Twenty five percent (25%) of the breakage is to be retained by the Association to be used in stakes races and twenty percent (20%) of the breakage is to be retained by the Association to be used for accredited Texas Bred races.”

The amendment was read.

Senator Washington offered the following substitute for Floor Amendment No. 4:

Floor Amendment No. 4a

Amend C.S.S.B. 15 to read as follows:

(1) Amend Section 3.09(a) to read as follows:

(a) Except as provided by Section 6.09(f) of this Act, the comptroller shall deposit the state's share of each pari-mutuel pool from horse racing and greyhound racing in the general revenue fund.

(2) Add Subsection (f) to Section 6.09 to read as follows:

(f) The comptroller shall deposit the state's fee based on a percentage of each pari-mutuel greyhound racing pool in a special fund of the state treasury to be appropriated only for use in programs for Aid to Families with Dependent Children (A.F.D.C.).

The substitute amendment was read and failed of adoption by the following vote: Yeas 14, Nays 15.

Yeas: Brooks, Edwards, Farabee, Green, Jones, Leedom, Mauzy, Parker, Parmer, Sarpalius, Sharp, Truan, Washington, Whitmire.

Nays: Barrientos, Blake, Brown, Caperton, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Montford, Santiesteban, Sims, Traeger, Uribe.

Absent: Howard.

Absent-excused: Lyon.

Question recurring on adoption of Floor Amendment No. 4, the amendment was adopted viva voce vote.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 4b

Amend C.S.S.B. 15 as follows:

(1) Amend Subdivision (10) of Subsection (a) of Section 6.06 to read as follows: (See page 11, line 40, Committee Printing)

(10) the applicant is in the habit of using alcoholic beverages or a controlled substance as defined in the Texas Controlled Substances Act or a dangerous drug as defined in the dangerous drug law (Article 4476-15 and 4476-14, Vernon's Texas Civil Statutes) to excess or is mentally incapacitated;

(2) Amend Subdivision (9) of Section 7.04 to read as follows: (See page 15, line 44, Committee Printing)

(9) the applicant is in the habit of using alcoholic beverages or a controlled substance as defined in the Texas Controlled Substances Act or a dangerous drug as defined in the dangerous drug law (Article 4476-15 and 4476-14, Vernon's Texas Civil Statutes) to excess or is mentally incapacitated;

The amendment was read.

On motion of Senator Harris and by unanimous consent, the amendment was withdrawn.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 4c

Amend C.S.S.B. 15 by adding a new SECTION 4 (Page 25, line 27 Committee Printing) to read as follows and renumbering the remaining section accordingly:

SECTION 4. Article 2.12, Code of Criminal Procedure, as amended, is amended by changing the number of Subdivision (18) as added by Chapter 907, Acts of the 69th Legislature, Regular Session, 1985, to Subdivision (19) and adding Subdivision (20) to read as follows:

(20) stewards and judges employed by the Texas Racing Commission.

The amendment was read and was adopted viva voce vote.

Senator Edwards offered the following amendment to the bill.

Floor Amendment No. 5

Amend C.S.S.B. 15 as follows:

Article 2, Section 2.10, page 4, line 52, delete "The members of the commission shall elect one of the members chairman to serve a term of two years" and add "The governor shall appoint one of the members chairman to serve a term of two years."

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 17, Nays 12.

Yeas: Barrientos, Brooks, Brown, Caperton, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Montford, Parker, Santiesteban, Sharp, Sims, Traeger, Uribe.

Nays: Blake, Edwards, Farabee, Green, Jones, Leedom, Mauzy, Parmer, Sarpalius, Truan, Washington, Whitmire.

Absent: Howard.

Absent-excused: Lyon.

Senator Edwards offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 15 as follows:

Article 16 by creating a new Section 16.07 Subsection (b) [and changing 16.07 to 16.07(a)] to read as follows, and renumber all subsequent sections accordingly:

Along with the petition, the petitioners must also file a financial impact statement, as required by the local law enforcement agency or agencies which will be responsible for policing activities at the race track, with such agency or agencies stating the expected costs of adequate law enforcement at the track site.

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 21, Nays 7.

Yeas: Barrientos, Blake, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Edwards, Green, Jones, Leedom, Parker, Sarpalius, Washington.

Absent: Brooks, Howard.

Absent-excused: Lyon.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 15 as follows:

(1) Amend Subdivision (10) of Subsection (a) of Section 6.06 to read as follows: (See page 11, line 40, Committee Printing)

(10) the applicant is in the habit of using alcoholic beverages or a controlled substance as defined in the Texas Controlled Substances Act or a dangerous drug as defined in the dangerous drug law (Article 4476-15 and 4476-14, Vernon's Texas Civil Statutes) to excess or is mentally incapacitated;

(2) Amend Subdivision (9) of Section 7.04 to read as follows: (See page 15, line 44, Committee Printing)

(9) the applicant is in the habit of using alcoholic beverages or a controlled substance as defined in the Texas Controlled Substances Act or a dangerous drug as defined in the dangerous drug law (Article 4476-15 and 4476-14, Vernon's Texas Civil Statutes) to excess or is mentally incapacitated;

The amendment was read and was adopted viva voce vote.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.S.B. 15, Article 11, Sec. 11.06 by adding the following:

Sec. 11.06. MINORS. The commission shall adopt rules to prevent wagering by persons who have not yet attained the minimum age required to purchase alcoholic beverages in this state and to prevent a person under 16 years of age from entering the viewing section of a racetrack unless accompanied by the person's parent or legal guardian and to prevent any person under 16 years of age from entering an area within 100 feet of betting windows.

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 21, Nays 8.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Edwards, Green, Jones, Leedom, Parker, Parmer, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Sarpalius offered the following amendment to the bill:

Floor Amendment No. 9

Amend C.S.S.B. 15, Article 6, Sec. 6.14 by deleting:

~~(c) Each greyhound racetrack licensed under this Act must be located in a county that has a population of more than 190,000, according to the most recent federal census, and that includes all or part of an island that borders the Gulf of Mexico.~~

The amendment was read.

(Senator Caperton in Chair)

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 24, Nays 5.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Green, Jones, Leedom, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Blake offered the following amendment to the bill:

Floor Amendment No. 10

Amend C.S.S.B. 15 as follows:

Article 9, Section 9.07, Page 17, Line 4:

Add the following words after the word Bureau:

"and must be approved by the Director of the Department of Public Safety before each race meeting may begin."

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 17, Nays 12.

Yeas: Barrientos, Brooks, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Santiesteban, Sharp, Sims, Traeger, Uribe, Whitmire.

Nays: Blake, Brown, Edwards, Green, Jones, Leedom, Montford, Parker, Parmer, Sarpalius, Truan, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Blake offered the following amendment to the bill:

Floor Amendment No. 11

Amend C.S.S.B. 15 as follows:

Article 14, Section 14.04, Page 20, Line 46.

Create a new section 14.04 and renumber all subsequent subsections:

Sec. 14.03. INVESTIGATION. The Commission shall suspend racing up to five consecutive racing days when asked to do so by the Department of Public Safety for the purpose of investigation offenses mentioned in sections 14.01, 14.02, 14.03, 14.04.

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 18, Nays 11.

Yeas: Barrientos, Brooks, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Blake, Brown, Edwards, Green, Jones, Leedom, Montford, Parker, Parmer, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 12

Amend C.S.S.B. 15, Article 8, Section 8.01, Page 16 to read as follows:

Sec. 8.01. ALLOCATION. The Commission shall allocate the racing days for the conduct of racing at each racetrack licensed under this Act. No racetrack shall be allocated more than 200 racing days per calendar year. The Commission shall endeavor to allocate racing dates fairly so that associations will not be in direct competition with neighboring associations during their race meetings. The Commission shall prohibit Sunday racing.

The amendment was read.

(President in Chair)

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 22, Nays 7.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Edwards, Green, Jones, Leedom, Parmer, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 13

Amend C.S.S.B. 15, Article 10, Section 10.01, Page 17, to read as follows:

Section 10.01. NUMBER OF RACING DAYS. Any greyhound racing licensee shall be entitled to have 300 evening and 150 matinee performances in a calendar year. The commission shall prohibit Sunday racing.

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 21, Nays 8.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Santiesteban, Sharp, Sims, Truan, Uribe, Whitmire.

Nays: Edwards, Green, Jones, Leedom, Parmer, Sarpalius, Traeger, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 14

Amend C.S.S.B. 15, Article 10, Section 10.01, by adding the following after the word "year":

The commission shall grant at least five additional racing days during a race meeting to be conducted as charity days. The commission shall conduct rules relating to the conduct of charity days. The commission shall insure that the races held by an association on a charity day are comparable in all respects, including the generation of revenue, to the races held by that association on any other racing day.

The amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 15

Amend C.S.S.B. 15, Article 11, Sec. 11.04, Page 17, to read as follows:

Sec. 11.04. WAGERING INSIDE ENCLOSURE. Only a person inside the enclosure where a race meeting is authorized may wager on the result of a race by contributing money to the pari-mutuel pool operated by the association. Employees of the commission, employees of the racetrack, and persons licensed under this Act are prevented from wagering or causing a wager to be placed at all racetracks regulated by this Act.

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 21, Nays 8.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Edwards, Farabee, Green, Jones, Leedom, Parmer, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 16

Amend **C.S.S.B. 15**, Article 11 by adding Sec. 11.10 to read as follows:

Sec. 11.10. **SIMULCAST PROHIBITION.** The Commission shall adopt rules forbidding the simulcasting of any race taking place in this state to any other track in this state or any other state. The Commission shall also adopt rules prohibiting pari-mutuel wagering on greyhound or horse races which are broadcast to or from locations where pari-mutuel wagering occurs.

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote:
Yeas 23, Nays 6.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Edwards, Green, Jones, Leedom, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 17

Amend **C.S.S.B. 15**, Article 17, Section 17.02, Page 24 to read as follows:

Sec. 17.02. **BALLOT PROPOSITION.** The ballot shall be printed to provide for voting for or against the proposition: "The legalization of pari-mutuel wagering on dog and horse racing under the Texas Racing Act on a county-by-county local option basis."

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote:
Yeas 23, Nays 6.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Edwards, Green, Jones, Leedom, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 18

Amend Article 6, Section 6.03, **C.S.S.B. 15**, on line 41, p. 10, Senate Printing, by adding a new subsection (h) to read as follows:

"(h) Financing to build racetrack facilities by all persons issued a license by the wagering commission shall be arranged with financial institutions of this state. This act specifically prohibits financing to be made by out-of-state or foreign sources."

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote:
Yeas 22, Nays 7.

Yeas: Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Barrientos, Edwards, Green, Jones, Leedom, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 19

Amend C.S.S.B. 15 by striking Section 17.05, page 24, lines 26, 27, and 28 and substitute in lieu thereof the following:

"Section 17.05. If a majority of the votes received in the referendum held in accordance with this article are opposed to the proposition, then this Act becomes null and void and expires in its entirety."

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 16, Nays 13.

Yeas: Barrientos, Blake, Brooks, Caperton, Harris, Henderson, Kothmann, McFarland, Mauzy, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Brown, Edwards, Farabee, Glasgow, Green, Jones, Krier, Leedom, Montford, Parker, Parmer, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 20

Amend C.S.S.B. 15, Article 18 by adding a new Section 18.08 at Page 25, Line 18 of the Senate Printing to read as follows:

"Sec. 18.08. This Act forbids any public monies to be used for capital improvements of tracks and for interest payments on such facilities."

The amendment was read.

On motion of Senator Jones and by unanimous consent, the amendment was withdrawn.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 21

Amend C.S.S.B. 15 by adding a new Section 8.02 to Article 8 to read as follows:

Sec. 8.02. CHARITY DAYS. (a) The commission shall grant additional racing days to each association during a race meeting to be conducted as charity days. The commission shall grant at least five additional days to each class 1 racetrack and at least three additional days to each class 2 racetrack.

(b) The commission shall adopt rules relating to the conduct of charity days. The commission shall insure that the races held by an association on a charity day are comparable in all respects, including the generation of revenue, to the races held by that association on any other racing day.

The amendment was read and was adopted viva voce vote.

Senator Leedom offered the following amendment to the bill:

Floor Amendment No. 22

Amend **C.S.S.B. 15** as follows:

Article 6, Section 6.15, Page 14, Lines 26-38.

An association that has been granted a license to operate a racetrack shall operate a race only at the location named in his application. The commission is prohibited from granting a permit to conduct a race meeting at a temporary location.

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 22, Nays 7.

Yeas: Barrientos, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Blake, Edwards, Green, Jones, Leedom, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 23

Amend **C.S.S.B. 15** to read as follows:

- (1) Amend Section 3.09 (a) by striking "in the general revenue fund." and substitute:
"in a special fund of the state treasury to be appropriated only for use in programs for Aid to Families with Dependent Children (A.F.D.C.)."

The amendment was read.

On motion of Senator Harris, the amendment was tabled by the following vote: Yeas 14, Nays 14.

The President announced the Chair would vote "Aye" on the motion to table the amendment.

Yeas: Blake, Brown, Caperton, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Montford, Santiesteban, Sims, Traeger, Uribe.

Nays: Barrientos, Edwards, Farabee, Green, Jones, Leedom, Mauzy, Parker, Parmer, Sarpalius, Sharp, Truan, Washington, Whitmire.

Absent: Brooks, Howard.

Absent-excused: Lyon.

Senator Jones offered the following amendment to the bill:

Floor Amendment No. 24

Amend C.S.S.B. 15, Article 18 by adding a new Section 18.08 at Page 25, Line 18 of the Senate Printing to read as follows:

"Sec. 18.08. This Act forbids any public monies to be used for capital improvements of tracks and for interest payments on such facilities, except on those tracks which were publicly owned on November 4, 1986."

The amendment was read and failed of adoption by the following vote: Yeas 8, Nays 20.

Yeas: Blake, Edwards, Farabee, Jones, Leedom, Montford, Parker, Sarpalius.

Nays: Barrientos, Brooks, Brown, Caperton, Glasgow, Green, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Absent: Howard, Washington.

Absent-excused: Lyon.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 19, Nays 10.

Yeas: Barrientos, Brooks, Caperton, Glasgow, Harris, Henderson, Kothmann, Krier, McFarland, Mauzy, Montford, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire.

Nays: Blake, Brown, Edwards, Farabee, Green, Jones, Leedom, Parker, Sarpalius, Washington.

Absent: Howard.

Absent-excused: Lyon.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 27, To Committee on State Affairs.

H.B. 3, To Committee on State Affairs.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider H.B. 1 today at 4:00 o'clock p.m.

CONGRATULATORY RESOLUTIONS

S.R. 48 - By Green: Commending Patrol Officer Gary Chastain.

S.R. 49 - By Green: Commending Arlene Sager.

S.R. 50 - By Green: Commending Jennifer Rogillio.

S.R. 51 - By Green: Commending Linda Whittridge.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 3:21 o'clock p.m. adjourned in memory of Ted B. Lyon, Sr., until 11:30 o'clock a.m. tomorrow.